

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MIGUEL ESPINOZA, LILIA ESPINOZA,
ON THEIR OWN BEHALF AND ON
BEHALF OF THE CLASS OF ALL
SIMILARLY SITUATED PERSONS,

Plaintiffs,

Civil No. 04-1160-AS

v.

ORDER

IDENTIX, a California Corporation, fka
DIGITAL BIOMETRICS, INC. and
VISIONICS, the STATE OF OREGON,
THEODORE KULONGOSKI, HARDY
MYERS, and Does 1-15, et al.,

Defendants.

MARSH, Judge.

Magistrate Judge Donald C. Ashmanskas filed his Findings and Recommendations on April 22, 2005. The matters are now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170,

1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Ashmanskas' Findings and Recommendations #68 and #69. The summary judgment motion (#23) of defendant Identix is GRANTED. The motion to dismiss under Rule 41(a)(2) (#57) of plaintiffs is DENIED.

IT IS SO ORDERED.

DATED this 17 day of June, 2005.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge